

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

OLIVER C. HICKS

PLAINTIFF

VS.

CAUSE NO.: 4:23-CV-242-DMB-JMV

**STATE FARM FIRE AND CASUALTY COMPANY,
J.W. WEBB, AND JOHN DOES 1-3**

DEFENDANTS

ORDER DENYING MOTION TO CONDUCT REMAND RELATED DISCOVERY

THIS MATTER is before the Court upon the motion of Plaintiff Oliver C. Hicks [11] to conduct remand related discovery. In the Motion, Plaintiff requests ninety (90) days to conduct remand related discovery of both State Farm Fire and Casualty Company and J.W. Webb. Plaintiff does not specify the remand related discovery that is being sought. Furthermore, no motion to remand has been filed.

The Fifth Circuit has held that remand-related discovery “should not be allowed except on a tight judicial tether, sharply tailored to the question at hand, and only after a showing of its necessity.” *Mississippi ex rel. Fitch v. Eli Lilly and Co.*, 2022 WL 2467723 at *2 (S.D. Miss. 2022), citing *Smallwood v. Illinois Cent. R.R. Co.*, 385 F.3d 568, 574 (5th Cir. 2004). “[M]otions for remand-related discovery should rarely be granted.” *Johnson v. J.P. Morgan Chase & Co.*, 2:04-CV-216-P-A, 2004 WL 2370621, at *1 (N.D. Miss Oct. 7, 2004) (citing *Smallwood*, 385 F.3d at 574). The party seeking remand-related discovery must explain “how such discovery would be specifically tailored to the jurisdictional issue.” *Galmore v. Summit Garden Apartments, LLC*, No. 4:20-CV-212-DMB-JMV, 2021 WL 357371, at *2 (N.D. Miss. Feb. 2, 2021).

The Motion, as filed, must be denied. The discovery is not sharply tailored to the question at hand because Plaintiff has wholly failed to describe the remand related discovery that is being

sought. In addition, “because there is no pending motion to remand[,]” Plaintiff has failed “to establish a showing of necessity.” *Mississippi ex rel. Fitch v. Eli Lilly and Co.*, 2022 WL 2467723 at *2 (S.D. Miss. 2022).

THEREFORE, IT IS ORDERED that Plaintiff’s motion to conduct remand related discovery shall be and is hereby denied.

SO ORDERED, this 29th day of January, 2024.

/s/ Jane M. Virden

MAGISTRATE JUDGE JANE M. VIRDEN